

Senate Bill No. 1140

Passed the Senate August 29, 2012

Secretary of the Senate

Passed the Assembly August 28, 2012

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 400 of the Family Code, relating to marriage.

LEGISLATIVE COUNSEL'S DIGEST

SB 1140, Leno. Marriage.

Existing law enumerates persons who are authorized to solemnize a marriage, including any priest, minister, rabbi, or authorized person of any religious denomination.

This bill would provide that marriage is a personal relation arising out of a civil, and not religious, contract. The bill would also specify that a priest, minister, rabbi, or authorized person of any religious denomination shall not be required to solemnize a marriage that is contrary to the tenets of his or her faith. The bill would state that any refusal to solemnize a marriage by an individual or by a religious denomination under this provision shall not affect the tax exempt status of any entity.

The people of the State of California do enact as follows:

SECTION 1. Section 400 of the Family Code is amended to read:

400. Although marriage is a personal relation arising out of a civil, and not a religious, contract, a marriage may be solemnized by any of the following who is 18 years of age or older:

(a) A priest, minister, rabbi, or authorized person of any religious denomination. A person authorized by this subdivision shall not be required to solemnize a marriage that is contrary to the tenets of his or her faith. Any refusal to solemnize a marriage under this subdivision, either by an individual or by a religious denomination, shall not affect the tax-exempt status of any entity.

(b) A judge or retired judge, commissioner of civil marriages or retired commissioner of civil marriages, commissioner or retired commissioner, or assistant commissioner of a court of record in this state.

(c) A judge or magistrate who has resigned from office.

(d) Any of the following judges or magistrates of the United States:

(1) A justice or retired justice of the United States Supreme Court.

(2) A judge or retired judge of a court of appeals, a district court, or a court created by an act of Congress the judges of which are entitled to hold office during good behavior.

(3) A judge or retired judge of a bankruptcy court or a tax court.

(4) A United States magistrate or retired magistrate.

(e) A legislator or constitutional officer of this state or a Member of Congress who represents a district within this state, while that person holds office.

Approved _____, 2012

Governor